

## REMARKS

Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and following remarks.

### Claim Status

In the Final Office Action of June 18, 2007, Examiner: (1) rejected claims 1–7 and 21 under 35 U.S.C. § 102(a) as anticipated by Applicant's Admitted Prior Art ("AAPA"); (2) rejected claims 8–9, 18–20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Okanoue (U.S. Patent No. 6,738,439); (3) rejected claims 1–3, 5–6, 10–11, 13–14, and 21 as obvious over International Publication No. WO 02/082121 A1 ("Galati et al.") in view of U.S. Patent No. 6,928,103 ("Imaizumi et al."); (4) rejected claims 8–9, 16–20, and 22 as obvious over Galati in view of Imaizumi and further in view of U.S. Patent No. 6,738,439 ("Okanoue et al."); (5) rejected claims 7 and 15 as obvious over Galati in view of Imaizumi as applied to claims 1 and 10, and further in view of U.S. Publication No. 2003/0216154 ("Mennenga et al.").

Applicant amends claims 1, 10, and 21 to incorporate the limitation of claims 8, 16, and 22 respectively. Accordingly, Applicant cancels claims 8, 16, and 22. Claims 1–3, 5–7, 9–11, 13–15, and 17–21 remain pending.

### Objection Under 35 U.S.C. § 132(a)

Applicant respectfully traverses the objection to the amendment of the specification because of alleged incorporation of new matter. "Matter not in the original specification, claims, or drawings is usually new matter." MPEP § 608.04. Specifically, the amendment does not introduce new matter into the disclosure of the application for at least two reasons. First, the amendments are fully supported in the application as filed. Second, the amendment is a rephrasing of a portion of the specification, and the original meaning of the portion is retained. Indeed, a bulk of the rephrasing is verbatim. Previously, Figures 1 and 2 were discussed simultaneously instead of distinctly. A portion of the specification has been amended to make distinct the fact that Figure 2 enables the first receiver path to have a lower decoding resolution

than the second receiver path. Figure 1 and AAPA only enable one decoding resolution among any receiver paths: 8 bits.

**Claims 1–3, 5–7, 9–11, 13–15, and 17–21**

The subject matter of independent claim 1, as amended, stands rejected under 35 U.S.C. § 103(a) as obvious over Galati in view of Imaizumi and Okanoue. The subject matter of independent claims 10, 18, and 21, as amended, also stands rejected as obvious using these references.

Applicant respectfully traverses because there is no motivation to combine Galati with Imaizumi and Okanoue. Specifically, Galati is non-analogous art for at least two reasons. First, Galati is not in the field of Applicant's endeavor. Galati discloses radar technology, and is in the field of air traffic control and surveillance systems. The current application is in the field of wireless local area networks ("WLANs"). Second, Galati is not reasonably pertinent to the particular problem for which the current application is concerned. Galati is concerned with recognizing and decoding Mode S/Mode S interference. The current application is concerned with reducing power consumption in receivers. For at least this reason, independent claims 1, 10, 18, and 21, and their dependent claims 2–3, 5–7, 9, 11, 13–15, and 17, and 19–21, are allowable over Galati in view of Imaizumi and Okanoue.

**Claims 1–3, 5–7, and 9**

The subject matter of claim 1, as amended, stands rejected under 35 U.S.C. § 103(a) as obvious over AAPA in view of Okanoue. Claim 1, as amended, recites, in part, "switching logic coupled to the packet detection logic to select the first receiver path or second receiver path depending on whether the packet detection logic has identified a data packet directed to the receiver." However, the cited art fails to teach or suggest this limitation. Examiner cites Okanoue at col.2 ¶.58–67 as allegedly teaching this limitation. At the cited location, Okanoue states:

To achieve the above object, according to the first aspect of the present invention, there is provided a diversity reception method for a diversity receiver having n (integer not smaller than 2) antenna branches for receiving a packet made up of a preamble field and data field, comprising the steps of switching the n antenna

branches to detect packet arrival when no packet arrival is detected, stopping switching the n antenna branches when packet arrival is detected, and performing reception operation by demodulating the packet based on all signals received by the n antenna branches after the packet detection.

Such language does not teach or suggest selecting a first or second receiver path depending on whether the packet detection logic has identified a data packet directed to the receiver.

For at least this additional reason, independent claim 1, and its dependent claims 2–3, 5–7, and 9, are allowable over AAPA in view of Okanoue.

### **Claims 18–20**

The subject matter of claim 18, also stands rejected under 35 U.S.C. § 103(a) as obvious over AAPA in view of Okanoue. Claim 18 recites: “upon detection of the code, switching to a second receiver path.” However, the cited art fails to teach or suggest this limitation. Examiner cites Okanoue at col.2 ℓ.58–67 as allegedly teaching this limitation. At the cited location, Okanoue states:

To achieve the above object, according to the first aspect of the present invention, there is provided a diversity reception method for a diversity receiver having n (integer not smaller than 2) antenna branches for receiving a packet made up of a preamble field and data field, comprising the steps of switching the n antenna branches to detect packet arrival when no packet arrival is detected, stopping switching the n antenna branches when packet arrival is detected, and performing reception operation by demodulating the packet based on all signals received by the n antenna branches after the packet detection.

Such language does not teach or suggest switching to a second receiver path upon detection of the code.

For at least this additional reason, independent claim 18, and its dependent claims 19–20, are allowable over AAPA in view of Okanoue.

### **Conclusion**

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This

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discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Texas Instruments Inc.'s Deposit Account No. 20-0668.

Respectfully submitted,

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